IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

W.P.(C).No. 31751 of 2006(E)

PETITIONER:

VINOD KUMAR. R.S., VINOD SADANAM,
NETTAYAM P.O., EROOR VILLAGE, ANCHAL.

BY ADV. SRI.MANOJ RAMASWAMY

RESPONDENTS:
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1. DEPUTY SUPERINTENDENT OF POLICE,
   PUNALUR SUB DIVISION, PUNALUR.

2. CIRCLE INSPECTOR OF POLICE,
   ANCHAL CIRCLE, ANCHAL.

3. SUB INSPECTOR OF POLICE,
   ANCHAL POLICE STATION, ANCHAL.

4. A.I.T.U.C., REPRESENTED BY ITS
   CONVENOR, MURALI, S/O.PACHAN,
   EDUMUZHI PUTHEN VEEDU, OZHUKKUPARAKKAL P.O.,
   EDAMULAKAL, KOLLAM DISTRICT.

5. C.I.T.U., REPRESENTED BY
   ITS CONVENOR, M. RAJAN, S/O.MADHAVAN,
   RAJEEV BHAVAN, OZHUKKUPARAKKAL P.O.,
   EDAMULAKKAL, KOLLAM DISTRICT.

6. B.M.S. REPRESENTED BY ITS
   CONVENOR, RADHAKRISHNAN, S/O.BHASKARAN,
   EDUMUZHIYIL VEEDU, OZHUKKUPARAKKAL P.O.,
   EDAMULAKKAL, KOLLAM DISTRICT.

R1 TO 3 BY GOVT.PLEADER SHRI P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P. (C) NO.31751/2006 - APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF RECEIPT SHOWING SALE CONSIDERATION PAID BY THE PETITIONER WITH AN UNDERTAKING TO CUT AND REMOVE THE RUBBER TREES.

EXT.P2 - TRUE COPY OF PETITION DATED 22.11.2006 BEFORE THE THIRD RESPONDENT.

EXT.P3 - TRUE COPY OF PETITION DATED 23.11.2006 TO RESPONDENTS 1 TO 3

RESPONDENTS' EXHIBITS: NIL.

(TRUE COPY)

vaa P.S.TO JUDGE

J.B.KOSHY & K.PADMANABHAN NAIR, JJ.

W.P.(C).NO.31751 OF 2006 (E)

Dated this the 5th day of December, 2006

O R D E R

KOSHY,J.

Petitioner is a contractor who agreed to cut and remove rubber trees from the property of one Sulaiman. Ext.P1 is the agreement. It is stated that with regard to the inter union rivalry he is unable to load the timber cut and to remove the same. It is submitted that he has already spend an amount of more than 10 lakhs. Govt.Pleader on instructions submitted that there are disputes regarding the unions. The petitioner has to carry out the loading and unloading works and he is willing to do the works by local workers with agreed wages in the area. But he has to do the work. If the unions are not coming to a settlement, petitioner is free to carry out the work with his own workers especially because it is not a scheme covered area under the Head load Workers Act. Police is

directed to see that the petitioner's loading and unloading works is carried out without any obstructions. If unions are not doing the work, he shall be allowed to do the work with his own workers without any obstructions.

Post on 12.12.2006.

J.B.KOSHY, JUDGE

K.PADMANABHAN NAIR, JUDGE

prp

J.B.KOSHY & K.PADMANABHAN NAIR, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

17th November, 2006